

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARTHUR BLANK,

Plaintiff,

v.

Case No. 14-13235

Honorable Nancy G. Edmunds

CORIZON HEALTHCARE OF MICHIGAN,
KEITH PAPENDICK, TERRENCE
WHITEMAN, and CHARLES JAMSEN,

Defendants.

ORDER DENYING MOTION TO REOPEN TIME TO FILE APPEAL [46]

This matter comes before the Court on Plaintiff's motion to reopen the time to file an appeal. For the reasons stated herein, Plaintiff's motion is DENIED.

On March 22, 2016, the Court accepted and adopted a report and recommendation granting Defendants' motion for summary judgment and dismissing the case. Copies were mailed to Plaintiff and were not returned as undeliverable. In April, after receiving notice that his subsequent motion for leave to amend his objections had been denied as moot because the case had already been dismissed, Plaintiff wrote a letter to the Court stating that he had not received the March 22 order and judgment. Additional courtesy copies were mailed to Plaintiff, which he admits he received on May 26, 2016. (Dkt. 46, at 2.) On July 26, 2016, Plaintiff mailed the present motion requesting that the Court reopen the time to file an appeal pursuant to Federal Rule of Appellate Procedure 4(a)(6).¹

¹The motion was received by the Clerk's office and filed on August 4.

After the entry of final judgment, a party generally has 30 days to file a notice of appeal. Fed. R. App. P. 4(a)(1)(A); 28 U.S.C. § 2107(a). Under Rule 4(a)(6), however, a district court may reopen the time to file an appeal for a period of 14 days if certain conditions are satisfied.² Fed. R. App. P. 4(a)(6). Relevant here, the motion to reopen the time to file an appeal must be filed within 180 days after the judgment or order is entered or within 14 days after the moving party receives notice of the entry, *whichever is earlier*. Fed. R. App. P. 4(a)(6) (emphasis added). Here, the earlier of these two events would be 14 days after Plaintiff received notice of the entry of the March 22 order. Plaintiff received notice of the order granting summary judgment and judgment order dismissing the case by May 26, 2016 (at the latest). Plaintiff filed this motion two months later. Because the present motion was filed more than 14 days after Plaintiff received notice, the motion is untimely and the Court is without jurisdiction to reopen the time to file appeal. Accordingly, the motion is DENIED.

SO ORDERED.

s/Nancy G. Edmunds

Nancy G. Edmunds

United States District Judge

Dated: August 10, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 10, 2016, by electronic and/or ordinary mail.

S/Carol J. Bethel

Case Manager

²Rule 4(a)(6) carries 28 U.S.C. § 2107 into practice; because the time limits in the rule are codified by statute, they are “mandatory and jurisdictional.” *Bowles v. Russell*, 551 U.S. 205, 208-13 (2007).